

CHARLES T. WRIGHT, ESQ.
Nevada Bar No. 10285
PIET & WRIGHT
3130 S. Rainbow Blvd., Ste. 304
Las Vegas, Nevada 89146
Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

DAVENPORT, LEO AND

DAVENPORT, GLENDA

Debtors,

CASE NO.: BK-S 10-13281-BAM
IN CHAPTER 11 PROCEEDINGS

Hearing Date: June 22, 2010
Hearing Time: 11:00 a.m.

**REPLY TO OPPOSITION TO MOTION TO WITHDRAW AND
REQUEST FOR SANCTIONS**

COMES NOW CHARLES T. WRIGHT, ESQ., of the law firm of PIET & WRIGHT, and hereby files his REPLY TO OPPOSITION TO MOTION TO WITHDRAW AND REQUEST FOR SANCTIONS. This Reply is based upon the pleadings filed herein, the memorandum of points and authorities attached hereto, and all other matters that may properly come before this court.

DATED this 21st day of June, 2010.

Respectfully submitted,

PIET & WRIGHT

By: /s/ Charles T. Wright
CHARLES T. WRIGHT, ESQ.
Nevada Bar No. 10285
3130 S. Rainbow Blvd., Ste. 304
Las Vegas, Nevada 89146

MEMORANDUM OF POINTS AND AUTHORITIES

Movant filed his Motion to Withdraw as Attorney of Record on June 3, 2010. Up until the filing of the Motion to Withdraw and continuing through the pendency of instant motion Movant has been diligently representing debtors. Respondent admits in his opposition that there has been a break down in communication beyond repair. It seems the only issue is with respect to attorney compensation. Please refer to the Fee Application for a break down of case activity. Under section 330(a)(1) of the Bankruptcy Code, the Court may award the Debtors' attorneys the reasonable compensation for all actual, necessary services rendered by such attorneys and paraprofessionals employed by them based on the nature, extent and value of the services rendered, time spent on such services and the cost of comparable services other than in a bankruptcy case. The Court may also award reimbursement for all actual, necessary expenses incurred.

WHEREFORE, for the above stated reasons, the movant respectfully requests this court grant this Motion to Withdraw as Attorney of Record and deny respondents' request for sanctions.

DATED this 21st day of June, 2010.

Respectfully submitted,

PIET & WRIGHT

By: /s/ Charles T. Wright
 CHARLES T. WRIGHT, ESQ.
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 3130 S. Rainbow Blvd., Ste. 304
 Las Vegas, Nevada 89146

EXHIBIT A

CHARLES T. WRIGHT, ESQ.
Nevada Bar No. 10285
PIET & WRIGHT
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Las Vegas, NV 89146
Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

DAVENPORT, LEO AND

DAVENPORT, GLENDA

Debtors.

CASE NO.: BK-S 10-13281-BAM
IN CHAPTER 11 PROCEEDINGS

APPLICATION FOR COMPENSATION

Hearing Date:
Hearing Time:

**FIRST INTERIM STATEMENT OF SERVICES RENDERED AND EXPENSES
INCURRED BY PIET & WRIGHT, LLC AS ATTORNEYS FOR THE
DEBTORS FOR THE PERIOD**

In accordance with the Administrative Order Pursuant to 11 U.S.C. §§ 105(a), 328 and 331 Establishing Procedures for Interim Compensation and Reimbursement of Professionals (the “**Administrative Order**”) entered by the Court on April 15, 2010, through the attorney CHARLES T. WRIGHT, ESQ., (of the law firm of PIET & WRIGHT, LLC), as attorneys for LEO AND GLENDA DAVENPORT in the above chapter 11 case (the “**Debtors**”), submit this Statement of Services Rendered and Expenses Incurred (the “**Statement**”) for the period of March 1, 2010 through June 10, 2010 (the “**Statement Period**”).

I. STANDARDS FOR ALLOWANCE OF COMPENSATION

1. Under section 330(a)(1) of the Bankruptcy Code, the Court may award the Debtors’ attorneys the reasonable compensation for all actual, necessary services

rendered by such attorneys and paraprofessionals employed by them based on the nature, extent and value of the services rendered, time spent on such services and the cost of comparable services other than in a bankruptcy case. The Court may also award reimbursement for all actual, necessary expenses incurred.

II. ITEMIZATION OF SERVICES RENDERED BY PIET & WRIGHT, LLC

2. The hours devoted to this case by the offices of PIET & WRIGHT, LLC professionals and paraprofessionals during the Statement Period, the hourly rate for each professional and paraprofessional and the resulting fees are itemized as set forth on **Exhibit 1**, attached hereto.

3. The time records of PIET & WRIGHT, LLC submitted herewith, and incorporated herein, consist of a daily breakdown of the time spent by each PIET & WRIGHT, LLC professional and paraprofessional on each day during the Statement Period. See Exhibit 1.

4. The blended hourly rate for all services rendered by PIET & WRIGHT, LLC during the Service Period is \$185.64.¹

III. ITEMIZATION OF SERVICES RENDERED AND DISBURSEMENTS MADE BY CATEGORY

A. Services Rendered

5. PIET & WRIGHT, LLC rendered services to the Debtor related to the general administration of estate. A detailed itemization of the services rendered by PIET & WRIGHT, LLC is set forth in **Exhibit 1**.

¹ The blended hourly billing rate of \$185.64 per hour is derived by dividing the total fees of \$12,976.50 by the total hours of 69.9 hours.

1 **B. Disbursements Made**

2 6. Disbursements of \$1,254.63 were made by PIET & WRIGHT, LLC, as set forth
3 in Exhibit 1, attached hereto.

4 **C. Total Services Rendered and Disbursements**

5 7. The total services rendered and disbursements made are as follows:

6 Total Services: \$14,231.13

7 **D. Amount Payable After Holdback**

8 8. The amount payable to PIET & WRIGHT, LLC for the Statement Period, after
9 adjusting for the twenty percent (20%) holdback, is \$12,639.53.²

10 9. Accordingly, PIET & WRIGHT, LLC respectfully requests that said amount be
11 paid pursuant to the Court's Administrative Order.

12 Respectfully submitted,

13 PIET & WRIGHT

14 By: /s/ Charles T. Wright

15 CHARLES T. WRIGHT, ESQ.
16 Nevada Bar No. 10285
17 3130 S. Rainbow Blvd., Ste. 304
18 Las Vegas, Nevada 89146
19 *Attorney for Debtors*

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28 ² The amount payable of \$1,254.53 is calculated by adding eighty percent (80%) of the
total fees to the total disbursements (i.e. (\$14,231.13) (.80) + \$1,254.63 = \$12,639.53).



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Davenport, Leo
540 E. St. Louis
Las Vegas, NV 89104

June 21, 2010

File No.: 1802-004

Invoice No.: 20100621-002

Re: Chapter 11 Bankruptcy Case

DATE	DESCRIPTION	LAWYER	HOURS	AMOUNT
03/01/10	Filing Fee.	TW	0.0	\$1,109.00
03/01/10	Prepare and file emergency petition.	VL	1.0	\$165.00
03/01/10	Photocopies.			\$18.25
03/03/10	Draft and send FMC and 341 letters and send e-mail regarding Monthly Operating Report.	EM	0.4	\$66.00
03/03/10	Receive and review ECF email re Deficiency deadlines.	TW	0.2	\$60.00
03/03/10	Receive and review ECF email re Notice of Incomplete and Deficient Filing.	TW	0.2	\$60.00
03/03/10	Receive and review ECF email re IDI Notice.	TW	0.2	\$60.00
03/03/10	Receive and review email re IDI Notice sent by Melinda Davis.	TW	0.2	\$60.00
03/03/10	Receive and review ECF email re Meeting of Creditors.	TW	0.2	\$60.00
03/03/10	Postage.			\$0.88
03/04/10	Receive and review notice of hold on account for Wells Fargo, email notice to client. Telephone call with client re: Debtor Interview.	VL	0.5	\$82.50
03/04/10	Conference with VAL re: client's lawsuit over restaurant.	TW	0.3	\$90.00
03/04/10	Conference with CTW re: client's lawsuit over restaurant.	VL	0.3	\$0.00
03/04/10	Facsimile Charges.			\$0.50
03/04/10	Conference with CTW re: client's lawsuit over restaurant.	VL	0.3	\$0.00
03/05/10	Telephone call with Attorney Bywater who represents Meadows Bank.	VL	0.2	\$33.00
03/05/10	Complete deficiency. Email petition to client for review.	VL	1.5	\$247.50
03/08/10	Email correspondence with client re: deficiency.	VL	0.2	\$33.00
03/09/10	Conference with Veronica re: correspondence from attorney Bywater.	TW	0.2	\$60.00
03/09/10	Conference with CTW re: correspondence from attorney Bywater.	VL	0.2	\$0.00
03/09/10	File Chapter 11 completion.	VL	0.2	\$33.00
03/10/10	Preparation of Application to Employ.	TP	1.0	\$165.00
03/10/10	Preparation of file for 341 hearing and e-mail client requesting additional documents.	EM	0.5	\$82.50
03/11/10	Preparation of Declaration to Application to Employ, Notice of Hearing and Certificate of Service.	TP	0.3	\$49.50
03/12/10	Meeting with client to request additional documents for 341 hearing and send e-mail with request.	EM	0.3	\$49.50
03/15/10	Print documents e-mailed by client and prepare file for 341 hearing, e-mail client requesting additional documents.	EM	0.5	\$82.50
03/15/10	Photocopies.			\$9.00
03/15/10	Prepare and file Application to Employ, Declaration, Notice of Hearing and COS. Send courtesy copy to Judge.	EM	0.7	\$115.50



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DATE	DESCRIPTION	LAWYER	HOURS	AMOUNT
03/15/10	Prepare and file Application to Employ, Declaration, Notice of Hearing and COS. Send courtesy copy to Judge.	EM	0.7	\$115.50
03/15/10	Print documents e-mailed by client and prepare file for 341 hearing, e-mail client requesting additional documents.	EM	0.5	\$82.50
03/15/10	Photocopies.			\$0.00
03/15/10	Runner Service to Bankruptcy Court.			\$20.00
03/16/10	File FMC with court.	EM	0.3	\$49.50
03/16/10	Photocopies.			\$11.00
03/16/10	Prepare file and copy documents for 341 hearing, follow up on missing documents.	EM	0.4	\$66.00
03/16/10	Photocopies.			\$0.00
03/17/10	E-mail client to request additional 341 documents.	EM	0.2	\$33.00
03/18/10	Print document from e-mail and copy for Trustee for 341 hearing.	EM	0.3	\$49.50
03/18/10	Facsimile.			\$1.75
03/19/10	E-mail client to request additional documents for 341 hearing.	EM	0.2	\$33.00
03/22/10	Final preparation of file for 341 hearing and copy all documents.	EM	0.4	\$66.00
03/22/10	Prepare notice of Bankruptcy filing for additional case.	SL	1.1	\$181.50
03/22/10	Final preparation of file for 341 hearing and copy all documents.	EM	0.4	\$66.00
03/25/10	Type Creditors list into COS.	EM	0.3	\$49.50
03/26/10	Assist Sonia in Filing Notices of Bankruptcy on Wiznet.	VL	0.3	\$0.00
03/26/10	Filing Fees: Filing Notice for Commencement of Bankruptcy.			\$18.00
04/05/10	Preparation for attendance at IDI.	TW	2.0	\$600.00
04/07/10	Review and discuss case with CTW in preparation of 341 Meeting of Creditors.	AP	0.3	\$67.50
04/07/10	Review of case and requirements at 341 hearing with associate will be attending	TW	0.4	\$120.00
04/08/10	Attend 341 Meeting of Creditors for Chapter 11 Bankruptcy. Meet with assistant on matter following meeting to discuss case status.	AP	1.2	\$270.00
04/08/10	Conference with CTW and AP regarding 341 meeting of creditors.	JP	0.3	\$90.00
04/08/10	Meeting with Attorney A. Pulley Re: Needed Information and documents from client from 341 meeting.	SL	0.4	\$66.00
04/09/10	Corrections to Notice of Bankruptcy filing in district court case.	SL	0.6	\$99.00
04/09/10	Facsimile.			\$2.50
04/12/10	Amendments to schedules and requested additional information from client to comply to trustee request from debtors 314 meeting.	SL	1.2	\$198.00
04/12/10	Researched client's docket report for status conference and hearing dates.	SL	0.3	\$49.50
04/12/10	Attend Hearing on Application to Employ as Attorney under general retainer. Meet with assistant on matter following hearing to discuss status.	AP	1.2	\$270.00



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Las Vegas, NV 89104

June 21, 2010

File No.: 1802-004

Invoice No.: 20100621-002

Re: Chapter 11 Bankruptcy Case

DATE	DESCRIPTION	LAWYER	HOURS	AMOUNT
04/12/10	Review of application and declaration.	TW	1.0	\$300.00
04/12/10	Photocopies.			\$15.50
04/13/10	Print and review MOR's and exhibits emailed by client and organized and scanned to save in folder.	SL	0.4	\$66.00
04/13/10	Preparation for hearing application to employ review of application and declaration.	TW	0.7	\$210.00
04/13/10	Upload Order on Application to Employ.	EM	0.2	\$33.00
04/14/10	Review of documentation provided for trustee from IDI; Sent L. Davenport a e-mail re: pending documents.	SL	0.5	\$82.50
04/15/10	Saved and replied to e-mail with questions and MOR; Added information provided to petition.	SL	0.8	\$132.00
04/16/10	Telephone call with trustee's office Re: amendments to schedules filed and documents emailed; Filed amendments to schedules and scanned attachments; telephone call to L. Davenport Re: Missing leases, insurance declarations and concerns.	SL	1.5	\$247.50
04/19/10	Met with client Re: Questions; Review and Monthly Operating Report For March 2010; Telephone call with client Re: question on notices to creditors and Monthly Operating Report questions.	SL	0.7	\$115.50
04/21/10	Receive and review creditor's Motion for Appointment of Trustee. Conference with SL regarding the same.	JP	0.4	\$120.00
04/21/10	Review of application for assignment of trustee; Emailed T. Wright Re: Reply to assignment; Save, review and upload Insurance declarations and leases sent by L. Davenport.	SL	1.4	\$231.00
04/23/10	Receipt and review of Meadows bank motion to prohibit use of cash collateral.	TW	1.3	\$390.00
04/23/10	Received by the banks joined her for appointment of trustee.	TW	0.3	\$90.00
04/26/10	Review save and correct Monthly Operating Report.	SL	0.5	\$82.50
04/27/10	Sent e-mail with Chapter 11 Bankruptcy questions; Prepare Initial Status Report for all cases.	SL	1.5	\$247.50
04/29/10	Updated Initial status report added events according to chapter 11 questions filed by client.	SL	1.0	\$165.00
04/29/10	Prepare opposition to motion for appointment of trustee.	TW	0.9	\$270.00
05/03/10	Conference with CTW re: Opposition to trustee appointment.	VL	0.2	\$0.00
05/03/10	Receive and review list of creditors willing to sign affidavit.	VL	0.2	\$33.00
05/03/10	Conference with VAL re: Opposition to trustee appointment.	TW	0.2	\$60.00
05/04/10	Prepare and File Initial Status Report with court.	EM	0.3	\$49.50
05/04/10	Draft Initial Status Report per order of Court and submit to Court.	AP	1.5	\$337.50
05/04/10	Telephone conference with creditors provided by L. Davenport to ascertain willingness to sign declarations in support of L. Davenport. Prepare declaration for review.	VL	0.8	\$132.00



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June 21, 2010

File No.: 1802-004

Invoice No.: 20100621-002

Re: Chapter 11 Bankruptcy Case

DATE	DESCRIPTION	LAWYER	HOURS	AMOUNT
05/05/10	Review Declaration in Support of Leo and Glenda Davenport in regards to Motion for Appointment of Trustee before submission to declarant.	AP	0.3	\$67.50
05/06/10	Prepare declarations for creditors provided by L. Davenport. Email Declarations to each creditor. Telephone conference with Al Keenan. Fax declaration to Mr. Keenan.	VL	1.5	\$247.50
05/08/10	Facsimile.			\$0.75
05/11/10	Telephone conference with Bobbie Rapp re: declaration.	VL	0.2	\$33.00
05/12/10	Telephone conference with L. Davenport re: Meadows bank and rents withheld.	VL	0.2	\$33.00
05/12/10	Review Motion for Appointment of Trustee and L. Davenport's responses to Motion. Case research. Begin formulating opposition to motion.	VL	2.5	\$412.50
05/12/10	Conference with VAL re: L. Davenport's concerns re: Meadows Bank and rents withheld.	TW	0.2	\$60.00
05/12/10	Telephone conference with L. Davenport re: Meadow's Bank and request to speak with CTW.	VL	0.2	\$33.00
05/12/10	Conference with CTW re: L. Davenport's concerns re: Meadows Bank and rents withheld.	VL	0.2	\$0.00
05/14/10	Receive and review Declarations in from Glenn and Renee Smith.	VL	0.2	\$33.00
05/14/10	Receive and review Monthly Operating report.	VL	0.3	\$49.50
05/14/10	Receive and review email correspondence from L. Davenport re: concerns on case status.	VL	0.2	\$33.00
05/18/10	Conference with AP re: Opposition to Motion for Appointment of Trustee.	VL	0.2	\$33.00
05/18/10	Telephone conference with L. Davenport re: case status.	VL	0.2	\$33.00
05/18/10	Review Motion for Appointment of Trustee. Review signed Declarations of creditors opposed to the appointment of a Trustee in this matter. Review Opposition to Motion for Appointment of Trustee and make applicable revisions before submission to Court.	AP	1.0	\$225.00
05/18/10	Legal research and preparation of Opposition to motion for appointment of trustee.	VL	5.0	\$825.00
05/19/10	Email correspondence with L. Davenport re: opposition.	VL	0.2	\$33.00
05/19/10	Final Review of Opposition to Motion to Appoint Trustee with CTW and perform final cite check before submission to Court.	AP	0.5	\$112.50
05/19/10	Prepare and file Opposition to Motion to Appoint Trustee and COS. Send courtesy copy to Judge.	EM	0.7	\$115.50
05/19/10	Revise opposition to motion to appoint trustee per AP and CTW. Prepare Certificate of Service.	VL	0.5	\$82.50
05/19/10	Telephone conference with L. Davenport re: case status.	VL	0.2	\$33.00



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June 21, 2010

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Invoice No.: 20100621-002

Re: Chapter 11 Bankruptcy Case

DATE	DESCRIPTION		LAWYER HOURS	AMOUNT
05/19/10	Runner Service to Bankruptcy Court-BAM.		1.0	\$20.00
05/20/10	Receive and review email correspondence re: opposition to motion for appointment of trustee.	VL	0.2	\$33.00
05/20/10	Meeting with client re: case status. Prepare letter to client.	VL	0.5	\$82.50
05/24/10	Facsimile.		1.0	\$6.75
05/24/10	Phone call from U.S. Trustees' Office (Athanasios) regarding letter received from client as to disengagement and the potential issues this poses in the bankruptcy.	AP	0.3	\$67.50
05/24/10	Begin preparing Motion to Withdraw, Motion for an Order Shortening Time, Order Shortening Time, and Attorney Information Sheet; conference with attorney regarding same.	TRP	1.0	\$165.00
05/25/10	Attend Hearing on Creditors Motion to Prohibit Use of Cash Collateral and Creditors Motion to Appoint a Trustee. Meet with creditor's counsel following hearing to discuss changes to stipulation and order. Meet with client regarding information needed prior to and following hearing. Meet with assistant on matter following hearing to discuss status.	AP	2.0	\$450.00
05/25/10	Conference with AP re: Supplement to Motion to Appoint Trustee. Went over exhibits.	VL	0.4	\$66.00
05/25/10	Begin to prepare motion to withdraw. Research law on subject.	VL	0.5	\$82.50
05/25/10	Prepare for hearings on Creditors Motion to Prohibit Use of Cash Collateral and to Appoint a Trustee.	AP	1.0	\$225.00
05/25/10	Conference with CTW re: motion to withdraw.	VL	0.2	\$0.00
05/25/10	Conference with VAL re: motion to withdraw.	TW	0.2	\$60.00
05/25/10	Telephone conference with Attorney Pulley regarding hearing on Motion to Appoint Trustee; send copy of motion and our opposition to her via e-mail.	TRP	0.2	\$33.00
05/25/10	Conference with Veronica regarding Motion to Withdraw as Attorney of Record.	TRP	0.2	\$33.00
05/26/10	Review file for property management information on triplex. Email correspondence to L. Davenport re: property management companies. Telephone conference with Liz of Provenza Neth Properties to confirm management of triplex and which units. Telephone conference with Veronica Sproul to confirm management of triplex unit. Email correspondence with Gordon Bywater re: contact information for property management companies.	VL	1.0	\$165.00
05/26/10	Receive and review Supplement to Motion for Appointment of Trustee.	TW	0.2	\$60.00



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DATE	DESCRIPTION	LAWYER	HOURS	AMOUNT
05/26/10	Conference with AP re: outcome of Motion to Prohibit Use of Cash Collateral and Motion to Appoint Trustee hearing.	VL	0.3	\$49.50
05/27/10	Receive and review email correspondence from Attorney Bywater. Conference with AP re: same.	VL	0.3	\$49.50
06/01/10	Review Stipulation as to Use of Cash Collateral drafted by creditor's counsel. E-mail to creditor's counsel to forward me the final draft for my signature.	AP	0.5	\$112.50
06/01/10	Conference with AP re: Stipulation for Use of Cash Collateral.	VL	0.2	\$33.00
06/02/10	Review Motion to Withdraw as Attorney of Record on Order Shortening Time before submission to the Court.	AP	0.3	\$67.50
06/02/10	Prepare Motion to Withdraw, Motion for Order Shortening Time, and attorney information sheet. Telephone conference with Trustee's assistant.	VL	0.7	\$115.50
06/03/10	Conference with CTW re: Motion to Withdraw, Motion for Order Shortening time and Order Shortening Time.	VL	0.2	\$0.00
06/03/10	Review Motion to Withdraw, Motion for Order Shortening Time and Order Shortening time. Conference with VAL: re same.	TW	0.3	\$90.00
06/03/10	Draft Order denying appointment of trustee.	VL	0.3	\$49.50
06/03/10	Email correspondence with Trustee re: proposed order shortening time.	VL	0.2	\$33.00
06/03/10	Email to L. Davenport re: proposed Order shortening time.	VL	0.2	\$33.00
06/03/10	Revise Motion to Withdraw, Motion for Order shortening time.	VL	0.4	\$66.00
06/03/10	File Motion to Withdraw as Attorney of Record and Motion for Order Shortening Time.	EM	0.3	\$49.50
06/07/10	Review of Order Denying Motion for Appointment of Trustee before submission to the Court.	AP	0.3	\$67.50
06/08/10	Prepare Attorney information sheet re: Order Shortening Time.	VL	0.2	\$33.00
06/08/10	Final review of revisions to Order Denying Motion to Appoint a Trustee before submission to Court for signature.	AP	0.3	\$67.50
06/08/10	Finalize Order Denying Motion for Appointment of Trustee.	VL	0.2	\$33.00
06/09/10	Receive and Review Notice of Appearance and Request for Notice.	TW	0.2	\$60.00
06/09/10	Facsimile.			\$0.75
06/09/10	Fax proposed Order to Susan Frankewich for review and signature.	VL	0.2	\$33.00
06/09/10	Runner Service to Bankruptcy Court- BAM.			\$20.00
06/09/10	Receive and Review letter from Snell and Wilmer.	TW	0.2	\$60.00
06/09/10	Upload Order Denying Motion for Appointment of Trustee.	EM	0.2	\$33.00
06/09/10	Receive and review executed Order Denying Appointment of Trustee.	VL	0.2	\$33.00
06/10/10	Receive and Review Amended Notice of Hearing Re Motion for Appointment of Trustee.	TW	0.2	\$60.00



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DATE	DESCRIPTION	LAWYER	HOURS	AMOUNT
06/10/10	Receive and Review Certificate of Mailing Re Amended Notice of Hearing Re Motion for Appointment of Trustee.	TW	0.2	\$60.00

Total Services Rendered: \$14,231.13